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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COPYTELE, INC., a Delaware
Corporation,

Plaintiff,

v.

AU OPTRONICS CORPORATION, a
Taiwanese corporation; E INK
HOLDINGS, INC., a Taiwanese
corporation; and E INK CORPORATION,
a Delaware corporation,

Defendants.

Case No. 3:13-cv-00380-EMC

**STIPULATION AND ~~PROPOSED~~
ORDER WITHDRAWING MOTION TO
COMPEL ARBITRATION (DOCKET NO.
54) AND STAYING CLAIMS PENDING
ARBITRATION**

Date: June 27, 2013
Time: 1:30 p.m.
Dept: Courtroom 5, 17th Floor
Judge: The Honorable Edward M. Chen

1 WHEREAS, on January 28, 2013, Plaintiff CopyTele, Inc. (“CopyTele”) filed the
2 Complaint (“Complaint”) in the above-captioned action against Defendants and AU Optronics
3 Corporation (“AUO”), a Taiwanese corporation, and E Ink Holdings, Inc., a Taiwanese
4 corporation, E Ink Corporation, a Delaware corporation (collectively “E Ink”);

5 WHEREAS, on April 29, 2013, AUO filed a motion to stay litigation and compel
6 arbitration (Docket No. 54);

7 WHEREAS, CopyTele has agreed to arbitrate the claims pled in its Complaint against
8 AUO, and has agreed to stay the claims against AUO;

9 WHEREAS, CopyTele has not agreed to stay its claims against E Ink;

10 WHEREAS, in light of CopyTele’s agreement to arbitrate its claims against AUO and in
11 the interest of judicial economy, AUO stipulates to withdraw its motion to stay litigation and
12 compel arbitration;

13 **IT IS HEREBY STIPULATED AND AGREED** that:

- 14 1. AUO hereby withdraws its motion to compel arbitration (Docket No. 54) in light
15 of the parties’ agreement to arbitrate all claims pled in the Complaint against
16 AUO;
- 17 2. The claims against AUO shall be stayed pending the outcome of the arbitration;
- 18 3. The parties shall file quarterly status reports informing the Court of the status of
19 the arbitration.
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1 Dated: June 26, 2013

LIEFF, CABRASER, HEIMANN
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4 By: /s/ Eric B. Fastiff
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12 Dated: June 26, 2013

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*Attorneys for Defendant AU OPTRONICS
CORPORATION*

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

DATED: June 26, 2013

/s/ David T. Rudolph
David T. Rudolph

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. For good cause shown:

1. AUO's motion to compel arbitration (Docket No. 54) is withdrawn;
2. The claims against AUO shall be stayed pending the outcome of the arbitration;
3. The parties shall file quarterly status reports informing the Court of the status of the arbitration.

Dated: 6/27, 2013

